

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA, for Itself
and as Trustee for the Zuni Indian Tribe, Navajo
Nation and Ramah Band of Navajos
and
STATE OF NEW MEXICO, ex rel. STATE
ENGINEER,

Plaintiffs,
and

ZUNI INDIAN TRIBE,
NAVAJO NATION,

Plaintiffs in Intervention,
v.

STATE OF NEW MEXICO COMMISSIONER
OF PUBLIC LANDS,
and
A & R PRODUCTIONS, et al.,

Defendants.

No. 01cv00072-BBE

ZUNI RIVER BASIN
ADJUDICATION

Sub-area 7

Subfile No: ZRB-3-0011

CONSENT ORDER

The Court, having considered the agreement between the Plaintiffs, the United States of America ("United States") and the State of New Mexico ex rel. State Engineer ("State"), and:

DEN GLEN, LLC

("Defendant") concerning the Defendant's right(s) to use the public waters of the Zuni River Stream System, Sub-area 7, as set forth below FINDS:

1. The Court has jurisdiction over the United States, the State, the Defendant and the subject matter of this suit.

2. As evidenced by the parties' signatures below, the United States, the State, and the Defendant are in agreement concerning all elements of the right(s) of the Defendant set forth in paragraph 4 of this Consent Order to divert and use the public waters of the Zuni River Stream System, Sub-area 7. This Consent Order and the parties' respective signatures below evidence the entire agreement between the United States, the State, and the Defendant regarding the elements of the water right(s) adjudicated by this Consent Order.

3. There is no just reason to delay entry of this Consent Order as a final judgment as between the United States, the State, and the Defendant regarding the elements of the claims of the Defendant adjudicated by this Consent Order.

4. The right(s) of the Defendant to divert and use the public waters of the Zuni River Stream System, Sub-area 7, is as set forth below:

STOCK POND

Map Label: 7B-1-SP30
Purpose of Use: Livestock
Priority Date: 1/1/1978
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0
Surface Area (sq.ft): 1,858
Storage Impoundment Volume (ac-ft): 0.026

Pond Location: As shown on Hydrographic Survey Map 7B-1

S. 4 T. 09N R. 15W 1/4, 1/16, 1/64: SW SW NE

X(ft): 2,544,048 Y(ft): 1,468,705

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7B-2-SP45
Purpose of Use: Livestock
Priority Date: 10/6/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 1.0

Surface Area (sq.ft): 2,409

Storage Impoundment Volume (ac-ft): 0.033

Pond Location: As shown on Hydrographic Survey Map 7B-2

S. 21 T. 09N R. 15W 1/4, 1/16, 1/64: NE SE SW

X(ft): 2,547,549 Y(ft): 1,454,241

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7C-2-SP02
Purpose of Use: Livestock
Priority Date: 1/1/1963
Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 5.0

Surface Area (sq.ft): 8,579

Storage Impoundment Volume (ac-ft): 0.591

Pond Location: As shown on Hydrographic Survey Map 7C-2

S. 15 T. 09N R. 15W 1/4, 1/16, 1/64: NW SW SW

X(ft): 2,548,390 **Y(ft):** 1,459,549

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7C-2-SP05

Purpose of Use: Livestock

Priority Date: 1/1/1997

Source of Water: Surface Runoff

Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 2.0

Surface Area (sq.ft): 9,090

Storage Impoundment Volume (ac-ft): 0.250

Pond Location: As shown on Hydrographic Survey Map 7C-2

S. 15 T. 09N R. 15W 1/4, 1/16, 1/64: NE SW SE

X(ft): 2,552,137 **Y(ft):** 1,460,043

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7C-2-SP24
Purpose of Use: Livestock
Priority Date: 10/6/1997
Source of Water: Surface Runoff
Point of Diversion: Not Applicable

Amount of Water:

Depth (ft): 0.5
Surface Area (sq.ft): 7,335
Storage Impoundment Volume (ac-ft): 0.051

Pond Location: As shown on Hydrographic Survey Map 7C-2

S. 27 T. 09N R. 15W 1/4, 1/16, 1/64: NW NW NW

X(ft): 2,548,719 **Y(ft):** 1,450,880

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

STOCK POND

Map Label: 7C-2-SP25
Purpose of Use: Livestock
Priority Date: 10/6/1997
Source of Water: Well
Point of Diversion: Fills from well 7C-2-W07 (Location X(ft): 2,549,544; Y(ft): 1,450,910);

Amount of Water:

Depth (ft): 2.0
Surface Area (sq.ft): 2,796
Storage Impoundment Volume (ac-ft): 0.077

Pond Location: As shown on Hydrographic Survey Map 7C-2

S. 27 T. 09N R. 15W 1/4, 1/16, 1/64: NW NW NE

X(ft): 2,549,596 **Y(ft):** 1,450,959

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Dam height (if greater than 9 ft):

WELL

Map Label: 7B-1-W03

OSE File No: G 1839

Priority Date: 1/1/1942

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 7B-1

S. 9 T. 09N R. 15W 1/4, 1/16, 1/64: NE NW NE

X (ft): 2,546,569 **Y (ft):** 1,467,192

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): 0.896

WELL

Map Label: 7C-2-W01

OSE File No: G 1834

Priority Date: 12/31/1944

Purpose of Use: DOMESTIC

Well Location: As shown on Hydrographic Survey Map 7C-2

S. 15 T. 09N R. 15W 1/4, 1/16, 1/64: SE SW SW

X (ft): 2,551,338 **Y (ft):** 1,457,133

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): Historical beneficial use not to exceed 0.7 acre-feet per annum;

WELL

Map Label: 7C-2-W07

OSE File No: G 1838

Priority Date: 1/1/1945

Purpose of Use: LIVESTOCK

Well Location: As shown on Hydrographic Survey Map 7C-2

S. 27 T. 09N R. 15W 1/4, 1/16, 1/64: NW NW NE

X (ft): 2,549,544 **Y (ft):** 1,450,910

New Mexico State Plane Coordinate System, West Zone, NAD 1983

Amount of Water (ac-ft per annum): 0.896

5. Defendant has no right to divert and use the public waters of the Zuni River Stream System, Sub-areas 7, except as set forth in this Consent Order and other orders entered by this Court in this cause.

6. The Defendant, and Defendant's successors, representatives, heirs and assigns, should be enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 7, except in strict accordance with this Consent Order and other orders of the Court in this cause.

7. The water right(s) described herein, if any, are adjudicated as between the United States, the State, and the Defendant, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the right(s) of the Defendant to divert and

use the public waters of the Zuni River Stream System, Sub-areas 7, are adjudicated as set forth herein, as between the United States, the State, and the Defendant. The Defendant, and Defendant's successors, representatives, heirs and assigns, are hereby enjoined from any diversion or use of the public waters of the Zuni River Stream System, Sub-areas 7, except in strict accordance with this Consent Order and other orders of this Court in this cause. The Court enters this Consent Order as a partial final judgment, binding on the United States, the State, and the Defendant as to the elements of Defendant's water right(s) set forth herein, subject to the right of any other water right claimant with standing to object prior to the entry of a final decree, and subject to the terms of the final decree in this proceeding.

Bruce D Black

BRUCE D. BLACK
UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin

VICKIE L. GABIN
SPECIAL MASTER

ACCEPTED:

[Signature] - *Manager* *12-31-08*
DEN GLEN, LLC DATE

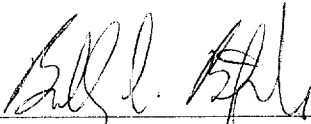
ADDRESS:

P.O. Box 400
FTN. GREEN UTAH 84632

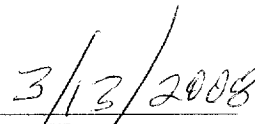
COUNSEL FOR THE DEFENDANT (IF REPRESENTED):

DATE

COUNSEL FOR THE UNITED STATES:

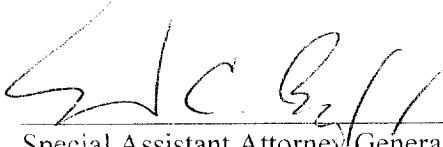


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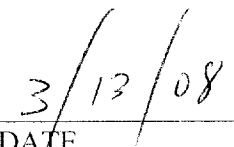


DATE

COUNSEL FOR THE STATE OF NEW MEXICO *EX REL.* STATE ENGINEER:



Special Assistant Attorney General
Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504
(505) 827-6150



DATE